

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS Ex parte JOHN S. TULLOCH and MARK C. JENNINGS
AND INTERFERENCES

Application No. 09/437,226

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 9, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

On November 10, 1999, appellants filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

In addition, on September 25, 2003, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that there is no evidence that an appeals conference was conducted by the

examiner. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, February 2003):

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

Accordingly, it is

ORDERED that the application is returned to the examiner to consider appellants IDS filed on November 10, 1999, notification to appellants in writing of such consideration, for taking corrective action regarding the appeals conference, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


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